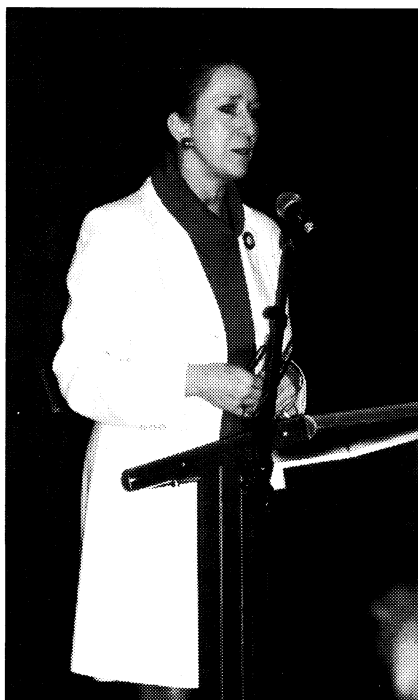


The 2002 Kriewaldt lunch: Who owns your body?



Above: Prof Atherton delivers the 2002 Martin Kriewaldt Memorial Address.

It was “way out there” but the topic for the Martin Kriewaldt Memorial Address intrigued the 60 plus attendees.

Professor Rosalind Atherton, Dean of Law at the Macquarie University, captivated the audience with her talk about the ownership of corpses and the legal issues attached to the issue.

“It is essentially a philosophical question. Philosophical to me implies a wide sphere of thought and perspectives, encompassing the legal, the moral, the cultural, the metaphysical and the religious,” she told the gathering.

“All of these are necessary threads in the consideration of our philosophical relationship to the body – and particularly the body after death, which forms my principal subject in this address.”

Far from being morbid, the speech was a thought provoker.

Prof Atherton explored the definitions available to a body (“If there is ‘no property’ then there is, technically, no ‘ownership’. But this is simplistic and does not grasp the full implications of the questions sitting within the broad question of ‘who owns your body?’”).

She also discussed an issue closer to the NT – the dispute over the body of the Central Australian Aboriginal artist Kumantji Tjapaltjarri.

A full copy of Prof Atherton’s paper can be obtained from the Law Society of the NT. For more pics from the lunch, turn to our *Photo Album* on page 27.

Aboriginal customary law to be examined

A sub-committee of the Northern Territory Law Reform Commission has been formed to look at Aboriginal customary law and how it could be “mutually beneficial” to the Territory community.

NT Justice Minister and Attorney-General Peter Toyne announced *Toward Mutual Benefit: An Inquiry into Aboriginal Customary Law in the Northern Territory* late last month.

The inquiry’s terms of reference are as follows:

- To inquire into the strength of Aboriginal Customary Law in the Northern Territory.
- To report and make recommendations on the capacity of Aboriginal Customary Law to provide benefits to the Northern Territory in areas including but not limited to governance, social well being, law and justice, economic independence, wildlife conservation, land management and scientific knowledge.
- To report and make recommendations as to what extent Aboriginal Customary Law might achieve formal or informal recognition within the Northern Territory.

- In conducting this inquiry, the sub-committee should have regard to the following:

- ⇒ the views of Aboriginal people in the Northern Territory, particularly those who are custodians of Aboriginal Customary Law;
- ⇒ the extent of existing arrangements accommodating Aboriginal Customary Law in the Northern Territory and other jurisdictions;
- ⇒ previous reports and research into Aboriginal Customary Law, including the reports of the Statehood Committee (NT), the Australian Law Reform Commission (1986) and the Royal Commission into Aboriginal Deaths in Custody;
- ⇒ other public submissions.

- The Committee is to report to Government by 30 June 2003.

Dr Toyne said the NT Government viewed that customary law should be recognised “consistent with universally recognised human rights and fundamental freedoms.”

“It is for this reason, that the NT Government affirms that the NT Criminal Code applies to all citizens of the Northern Territory without exception,” he said.

“The government does not condone any of the crimes in that code including but not limited to murder, manslaughter, dangerous act, rape, incest, carnal knowledge, kidnap, assault and theft.”

He added: “The Northern Territory Government believes there is much value in supporting and sustaining Aboriginal customary law and that the knowledge contained in Aboriginal customary law can be of mutual benefit to all citizens of the Northern Territory as well as its custodians.” ①